

James H. Weingarten, DC Bar No. 985070  
Peggy Bayer Femenella, DC Bar No. 472770  
James Abell, DC Bar No. 990773  
Cem Akleman, FL Bar No. 107666  
Jennifer Fleury, NY Bar No. 5053178  
Meredith R. Levert, DC Bar No. 498245  
James Gossman, DC Bar No. 1048904

Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Tel: (202) 326-3570

*jweingarten@ftc.gov; pbayerfemenella@ftc.gov;  
jabell@ftc.gov; cakleman@ftc.gov;  
jfleury@ftc.gov; mlevert@ftc.gov;  
jgossman@ftc.gov*

[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**MICROSOFT CORP.,**

and

**ACTIVISION BLIZZARD, INC.,**

Defendants.

Case No. 3:23-cv-02880

**STATEMENT IDENTIFYING  
WITNESSES AND EXHIBITS TO BE  
USED JUNE 28, 2023**

Pursuant to the Court's Order Following June 21, 2023 Status Conference (Dkt. 170),  
Plaintiff Federal Trade Commission respectfully submits this statement identifying the witnesses  
to be called on June 28, 2023 and the exhibits Plaintiff intends to use with the witnesses.

Plaintiff intends to call Jeff Fisher (by video deposition designation) and Satya Nadella.  
Defendants have stated their intent to resume the examination of Elizabeth Bailey and call

STATEMENT IDENTIFYING WITNESSES AND EXHIBITS TO BE USED JUNE 28, 2023  
CASE NO. 3:23-cv-02880

Robert Kotick. Listed below are the exhibits Plaintiff intends to use with Mr. Fisher and Mr. Nadella, and the exhibits Plaintiff may use on cross with Dr. Bailey and Mr. Kotick.

Exhibits Plaintiff intends to use with Mr. Fisher:

Exhibit No.	In camera treatment requested (if any)	Used in
PX7062	Redactions requested; ECF No. 161 at 4	ECF No. 175

Exhibits Plaintiff intends to use with Mr. Nadella:

Exhibit No.	In camera treatment requested (if any)	Used in
PX7010	Redactions requested; Investigational Hearing Transcript	
PX7036	Redactions requested; Deposition Transcript	
PX1260	In camera treatment requested; ECF No. 150 at 11	
PX1274		
PX1746	Redactions requested; ECF No. 150 at 23	
PX1747	Redactions requested; ECF No. 150 at 23	
PX1750	In camera treatment requested; ECF No. 150 at 23	
PX1751	In camera treatment requested; ECF No. 150 at 23	
PX1777	In camera treatment requested; ECF No. 150 at 26	
PX4057	Redactions requested; ECF No. 150 at 19	
PX4066		

STATEMENT IDENTIFYING WITNESSES AND EXHIBITS TO BE USED JUNE 28, 2023  
CASE NO. 3:23-cv-02880

PX9084		
PX9102		
PX9015		
PX9012		

Defendants are calling Activision's Robert Kotick. Plaintiff may use the following documents during cross of Mr. Kotick:

Exhibit No.	In camera treatment requested (if any)	Used in
PX7006	Redactions requested	
PX7035	Redactions requested	
PX2056		
PX2133	In camera treatment requested; ECF No. 148 at 7	
PX9165		
PX9178		
PX9441		
PX2107	In camera treatment requested; ECF No. 148 at 6	
PX9451		
PX9448		
PX2421	Redactions requested; ECF No. 148 at 16	
PX4743		
PX2282	ECF No. 148 at 13	
PX9413		
PX9131		

STATEMENT IDENTIFYING WITNESSES AND EXHIBITS TO BE USED JUNE 28, 2023  
CASE NO. 3:23-cv-02880

PX9033		
--------	--	--

Defendants are calling Dr. Elizabeth Bailey. Plaintiff may use the following documents during cross of Dr. Bailey:

Exhibit No.	In camera treatment requested (if any)	Used in
PX5002		
PX2355		
PX2448		
PX2460		
PX2447		
PX2452		
PX2454		
PX2456		
PX2462		
PX2463		
PX2464		
PX2465		
PX2471		
PX7000		
PX7001		
PX7002		ECF No. 175
PX7003		ECF No. 175
PX7004		ECF No. 175
PX7005		ECF No. 175
PX7006		ECF No. 175
PX7007		ECF No. 175

STATEMENT IDENTIFYING WITNESSES AND EXHIBITS TO BE USED JUNE 28, 2023  
CASE NO. 3:23-cv-02880

PX7008		ECF No. 175
PX7009		
PX7010		ECF No. 175
PX7011		ECF No. 175
PX7012		
PX7014		ECF No. 175

DATED: June 27, 2023

/s/ James H. Weingarten

James H. Weingarten  
Peggy Bayer Femenella  
James Abell  
Cem Akleman  
J. Alexander Ansaldo  
Michael T. Blevins  
Amanda L. Butler  
Nicole Callan  
Maria Cirincione  
Kassandra DiPietro  
Jennifer Fleury  
Michael A. Franchak  
James Gossmann  
Ethan Gurwitz  
Meredith R. Levert  
David E. Morris  
Merrick Pastore  
Stephen Santulli  
Edmund Saw

Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Tel: (202) 326-3570

*Counsel for Plaintiff Federal Trade  
Commission*

STATEMENT IDENTIFYING WITNESSES AND EXHIBITS TO BE USED JUNE 28, 2023  
CASE NO. 3:23-cv-02880